

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
)
Amendment of Section 73.622(b))
Table of Allotments)
Digital Television Broadcast Stations)
(Champaign, Illinois))

DA 99-1893

MM Docket No. 99-289

RM-9668

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**COMMENTS OF MCLEODUSA TELECOMMUNICATIONS SERVICES, INC.
AND REQUEST FOR MODIFICATION OF THE *EX PARTE* RULES**

McLeodUSA Telecommunications Services, Inc. ("McLeodUSA"),
pursuant to Sections 1.415 and 1.420 of the Commission's Rules, hereby files its
comments on the Notice of Proposed Rule Making and requests modification of the
ex parte rules in the above-captioned proceeding. 1/

The Commission should deny the request of Midwest Television, Inc.
("Midwest") to substitute DTV Channel 5 for station WCIA(TV)'s assigned DTV
Channel 48 in Champaign-Urbana, Illinois. The substitution is contrary to the
public interest because Midwest's operation on Channel 5 would cause interference
to FCC licensed paging services in Illinois. The economic benefits that Midwest

1/ *Amendment of Section 73.622(b), Table of Allotments, Digital Television
Broadcast Stations (Champaign, Illinois), MM Docket No. 99-289, RM-9668, Notice
of Proposed Rule Making, DA 99-1893 (rel. September 20, 1999) ("NPRM").*

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alleges it would receive as a result of the substitution do not outweigh the grave harm that Midwest's operations would cause to McLeodUSA and its customers.

I. BACKGROUND

McLeodUSA operates a simulcast paging system on frequency 158.10 MHz under FCC authorization KWH311 in Illinois. McLeodUSA provides paging service to over 12,000 lines, and among its customers are hospitals, health-care providers, and ambulance service providers. The McLeodUSA simulcast paging system is licensed to provide service to an area approximately 200 by 140 miles from Benton to Hoopeston, Illinois and from Highland, Illinois to Staunton, Indiana.

McLeodUSA 2/ provides paging services to Champaign-Urbana, Illinois and surrounding areas through a link repeater that receives a 75.84 MHz signal from the master station located in Mattoon, Illinois. The link repeater is licensed under authorization KWH311 and is used to control seven paging transmitters, located in Champaign, Urbana (two receivers), Monticello, Rantoul, Hoopeston, and Danville. These transmitters use 72.140 MHz to receive and deliver paging information to other transmitters. Additionally, the Champaign-Urbana link

2/ McLeodUSA Telecommunications Services, Inc. merged with Consolidated Communications Telecom Services, Inc. ("CCTS") in 1998. CCTS initially held the license for CallSign KWH311.

repeater will communicate with McLeodUSA's new transmitter at Philo, scheduled for deployment in December 1999. Together, these transmitters extend service to a population of 350,000. McLeodUSA currently has 3,800 subscribers that would be affected by the relocation of DTV 48, roughly one fourth of the paging customers served under its KWH311 FCC authority.

McLeodUSA is the paging provider of choice for over 70 percent of all hospitals, health-care clinics, and emergency service providers in the twin cities (Champaign-Urbana) and the three surrounding counties: Champaign, Piatt, and Vermillion. McLeodUSA provides 2,225 paging lines to five hospital customers, three ambulance service customers, a university medical school, a Visiting Nurse Association (hospice services), and eight medical clinic customers.

Not only would the relocation of Midwest to DTV Channel 5 wipe out McLeodUSA's service to over one fourth of customers served under its FCC authorization KHW311, but it would deny paging services to all of the health-care and emergency service providers that it serves in Champaign-Urbana and vicinity, or 70 percent of the total health-care and emergency service providers in that area. 3/

3/ See Letter of Linda DiAngelo, Chief Operating Officer of Coordinated Care Services, to the Secretary of the Federal Communications Commission, dated November 8, 1999, and Letter of Mick Hunner, Arrow Ambulance, to the Secretary of the Federal Communications Commission, dated November 8, 1999. Both are attached to these comments as Appendix A.

Additionally, the relocation would harm McLeodUSA's paging operations by decreasing the roaming area of McLeodUSA's remaining customers served under FCC authorization KWH311 by 3,814 square miles. From a competitive standpoint, the size of a carrier's roaming area is a criterion that customers use to select a paging provider. The reduced roaming range that would result from the substitution of DTV Channel 5 for DTV Channel 48 would decrease the value of McLeodUSA's services to existing and potential paging customers and place McLeodUSA at a competitive disadvantage.

II. THE COMMISSION SHOULD DENY MIDWEST'S REQUEST TO CHANGE DTV CHANNEL ALLOTMENTS BECAUSE USE OF DTV CHANNEL 5 WOULD CAUSE INTERFERENCE TO MCLEODUSA'S FCC LICENSED PAGING OPERATIONS AND SEVERELY HARM THE PUBLIC INTEREST

A. The Substitution of DTV Channel 5 for DTV Channel 48 Would Cause Harmful Interference to McLeodUSA's Paging Operations

The substitution of DTV Channel 5 for DTV Channel 48 in Champaign-Urbana, Illinois would cause detrimental interference to McLeodUSA's paging operations. ^{4/} The proposed DTV Station, if approved, would be located 9.1 miles from McLeodUSA's Champaign-Urbana link repeater. The attached engineering study affirmatively demonstrates that the proposed DTV allotment

^{4/} See DTV Interference Analysis prepared by Trott Communications Group, attached to these comments as Appendix B.

would cause interference to the Champaign-Urbana link repeater. 5/ Specifically, the signals from the DTV station that would arrive at the McLeodUSA Champaign-Urbana link repeater are forty times stronger than the signals sent in the course of McLeodUSA's paging operations. 6/ The stronger signals would block the receiver contained inside the repeater and prevent paging control information from reaching seven additional paging transmitters.

More than 25 percent of McLeodUSA's paging customers served under FCC authorization KWH311 would be affected by the interference, and among these customers are hospitals, ambulance service providers, and other emergency service providers. 7/ If the proposed substitution is granted, these paging customers would be denied McLeodUSA's paging service.

McLeodUSA, through its predecessor, obtained FCC authority to operate its control station in Mattoon in 1984 and its link repeater in Champaign-Urbana in 1992. At the time McLeodUSA's predecessor obtained its license for

5/ *See id.*

6/ *Id.*

7/ Section 73.623(c) provides that in order to change frequencies, a television station must demonstrate that the requested change would not subject to interference more than an additional two percent of the population served by another television station. If this requirement were applied to land mobile operations, Midwest's Petition would have to be denied since the substitution would result in about 25 percent of the population being subject to interference.

Champaign-Urbana, there were no television stations operating on Channels 4 or 5 in Champaign-Urbana. Thus, McLeodUSA is the incumbent FCC licensee. ^{8/} McLeodUSA built its business and expanded its operations based on its FCC license holdings, including its authorization for the control station at 75.84 MHz in Mattoon, Illinois that sends signals to the Champaign-Urbana link repeater. It would be contrary to public policy for the FCC to permit Midwest to relocate to DTV Channel 5 with full knowledge that the relocation would cause crippling interference to McLeodUSA's established paging service, as well as deny paging service to 70 percent of all hospitals and other emergency service providers in the vicinity of Champaign-Urbana.

B. The Harm to the Public Interest of the Relocation Outweighs the Stated Benefits to Midwest Television.

The benefit to Midwest that would result from substituting DTV Channel 5 for DTV Channel 48 is outweighed by the harm that the interference would cause to McLeodUSA and the public welfare generally. Midwest simply

^{8/} Section 22.599 of the FCC's rules applies only to the *assignment* of 72-76 MHz channels and is inapplicable to a situation where a television station proposes to relocate to channel 4 or 5 subsequent to the authorization of a nearby paging operator. See 47 C.F.R. § 22.599.

seeks to avoid the cost of building a new tower, citing no extenuating circumstances or customer needs. 9/

On the other hand, McLeodUSA stands to lose much more than the cost of a tower. For instance, if Midwest's request for substitution is granted, McLeodUSA could be forced to shut down its Champaign-Urbana link repeater, to lose 25 percent of the customers receiving service under FCC authorization KWH311, and to shorten the roaming area of its remaining customers by 3,814 square miles. The costs imposed on McLeodUSA greatly outweigh the costs associated with constructing a tower for Midwest's allotted DTV Channel 48 and do not even include the extensive harm the substitution would cause to the public interest by denying McLeodUSA's paging services to emergency service providers and other customers.

Furthermore, we note that Channel 5 is not typically allocated for digital television, and is included on the DTV Table of Allotments in only five instances. 10/ Given the very limited usage of Channel 5 for digital television and the scant rationale for the proposed move, the FCC should deny Midwest's request.

9/ See *Amendment of Section 73.622(b) of the Rules, DTV Table of Allotments/Assignments, WCLA(TV), Champaign, Illinois*, Petition for Rulemaking (filed July 16, 1999) at p. 2-3 ("Petition").

10/ See 47 C.F.R. § 73.622 (allocating DTV Channel 5 in Hartford, Connecticut; Kalamazoo, Mississippi; La Grande, Oregon; Conroe, Texas; and Agana, Guam).

In the alternative, the Commission should condition any relocation on Midwest's agreement to resolve any interference between McLeodUSA's paging operation and the operations of DTV Channel 5.

III. THE COMMISSION SHOULD OPEN THIS PROCEEDING

The NPRM indicates that this proceeding is "restricted" with respect to *ex parte* presentations. ^{11/} "Restricted" status is inappropriate for this proceeding, however, because McLeodUSA has introduced broader policy issues in this pleading. For example, McLeodUSA raises serious issues regarding interference between DTV and land mobile operations that are relevant to many parties, including hospitals and other emergency service providers.

The Commission should eliminate the restricted *ex parte* status of this proceeding. The breadth of public safety and incumbency issues demand the opening of this proceeding to "permit-but-disclose" status to provide a more appropriate vehicle to communicate with the Commission, including the results of ongoing interference assessments by different incumbent licensees. "Permit-but-disclose" status for this proceeding would allow broad and unfettered discussion of

^{11/} See 47 C.F.R. § 1.1208, which provides that all proceedings involving amendments to the broadcast table of allotments are "restricted" proceedings. A restricted proceeding is one in which *ex parte* presentations are prohibited.

the complex technical matters at issue, which are critical to informed decision-making by the Commission.

The Commission has express authority to modify the *ex parte* rules in this proceeding. Section 1.1200(a) provides, “[w]here the public interest so requires in a particular proceeding, the Commission and its staff retain the discretion to modify the applicable *ex parte* rules.” ^{12/} Less-restrictive *ex parte* rules for this proceeding would greatly facilitate the compilation of a complete record and would ensure full exploration of the serious public interest issues raised in these comments.

^{12/} See 47 C.F.R. §1.1200(a).

CONCLUSION

For the reasons stated above, the Commission should deny Midwest's proposal to substitute DTV Channel 5 for DTV Channel 48 in Champaign-Urbana, Illinois, and should modify the *ex parte* rules to allow for permit-but-disclose *ex parte* procedures.

Respectfully submitted,

McLeodUSA Telecommunications
Services, Inc.

A handwritten signature in black ink, reading "Michele Farquhar". The signature is written in a cursive, flowing style.

Michele C. Farquhar
Counsel for McLeodUSA
Telecommunications Services, Inc.
Hogan & Hartson L.L.P.
555 Thirteenth Street, N.W.
Washington, DC 20004

Dated: November 9, 1999

APPENDIX A

Linda D'Angelo
Chief Operating Officer

CCS
COORDINATED
Care Services

611 West Park Street
Urbana, Illinois 61801
(217) 383-3325
Fax (217) 383-3018

linda.dangelo@ccscc.com

November 8, 1999

Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth St., S.W.
Washington, D.C. 20554

**Re: Amendment of Section 73.622(b), Table of Allotments,
Digital Television Broadcast Stations (Champaign,
Illinois)**

Dear Ms. Salas:

We write to express concern about the request of Midwest Television, Inc. to substitute DTV Channel 5 for DTV Channel 48 in Champaign-Urbana, Illinois. This proposal would have a severe impact on the paging services we receive from Consolidated Paging (McLeodUSA). Our patients and medical personnel rely on these services extensively. Reliable paging service helps us to save lives.

When reviewing Midwest's proposal, please consider the serious harm to our patients and our healthcare operation that would result from permitting Midwest to relocate to DTV Channel 5. If you have questions or need more information, please contact me.

Respectfully submitted,

Linda D'Angelo

11/11/99

11/11/99
11/11/99
11/11/99



210 East University • Champaign, IL 61820 • (217) 356-0593

November 8, 1999

Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth St., S.W.
Washington, D.C. 20554

RE: Amendment of Section 73.622(b), Table of Allotments, Digital Television
Broadcast Stations (Champaign, Illinois)

Dear Ms. Salas:

We write to express concern about the request of Midwest Television, Inc. to substitute DTV channel 5 for DTV Channel 48 in Champaign-Urbana, Illinois. This proposal would have as severe impact on the paging services we receive from Consolidated Paging (McLeodUSA). Our patients and medical personnel rely on these services extensively. Reliable paging service helps us to save lives.

When reviewing Midwest's proposal, please consider the serious harm to our patients and our healthcare operation that would result from permitting Midwest to relocate to DTV Channel 5. If you have questions or need more information, please contact me.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mick Hurner", followed by a horizontal line.

Mick Hurner, Director

APPENDIX B

DTV 5 INTERFERENCE ANALYSIS

Summary:

A study has shown that the signal from a proposed DTV Channel 5 transmitter at an existing receiver on 75.84 MHz will be 40 times the power (+16 dB) of the signal (desired) from an authorized station (KWH311) at Mattoon, IL. This will result in destructive interference to the affected receiver.

Analysis:

The following is the analysis of interference potential from a proposed installation of a Digital Television (DTV) transmitter by Midwest Television, Inc. ("MTI") at Champaign, IL. The study addresses potential interference from the DTV 5 station to an existing land mobile receiver on 75.84 MHz in the Champaign area (Loc 7, KWH311). The 75.84 MHz receiver is part of a control network licensed to Consolidated Communications Telecom Services, Inc. ("CCTS"), Mattoon, IL.

The station parameters are:

DTV 5

Coordinates (NAD 27):	40° 06' 21" N Lat
	88° 27' 00" W Lon
ERP @ 76-82 MHz:	66.5 dBm 4.5 KW
Mask Loss (per §73.623(h)(1)):	-47.0 dB
ERP @ 75.84 MHz:	19.5 dBm 0.09 W
Radiation Center:	281 m AGL, 501.1 m AMSL
Antenna:	Omnidirectional

Mattoon, 75.84 MHz Transmitter

Coordinates (NAD27):	39° 30' 25" N Lat 88° 21' 28" W Lon
ERP @ 3.9°:	+39.8 dBm 9.6 W
Radiation Center	82 m AGL, 291 m AMSL
Antenna	DB 225, directed at 245° (See Exhibit TCG-4)

KWH311, Loc 7 (Receiver Site)

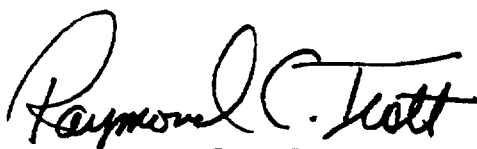
Coordinates (NAD 27)	40° 10' 10" N Lat 88° 17' 56" W Lon
Radiation Center:	76 m AGL, 326 m AMSL
Antenna:	DB 230, directed at 184° (see Exhibit TCG-5)

The signal levels from both the DTV5 and Mattoon transmitters were calculated utilizing the field strength charts of FCC Report R-6602. The signal level from the DTV5 transmitter was derived from the F(50,10) curves and was determined to be 32.5 dBu at the receiving antenna. Adjusting for antenna gain (1.3 dBd), the signal at the output of the antenna was 33.8 dBu. The signal level from the Mattoon transmitter was derived from the F(50,50) curves and was determined to be 10.8 dBu. Adjusting for antenna gain (7.0 dBd), the signal at the output of the receiver antenna was 17.8 dBu. This places the undesired signal 16.0 dB stronger than the desired signal at the input to the 75.84 MHz receiver, thus, interference will occur to the CCTS receiver from the proposed DTV5 transmitter.

For the study, the calculations utilized antenna radiation centers above average terrain (HAAT) values derived from the National Geophysical Data Center 3 Second Point Elevation Data.

List of Engineering Exhibits

Exhibit	TCG-1:	Illustration of Signal Levels at Affected Receiver
	TCG-2:	DTV5 Contour Calculation
	TCG-3:	Mattoon Contour Calculation
	TCG-4	DB 230 Antenna Radiation Pattern
	TCG-5	DB 225 Antenna Radiation Pattern



Raymond C. Trott, P.E.

November 4, 1999

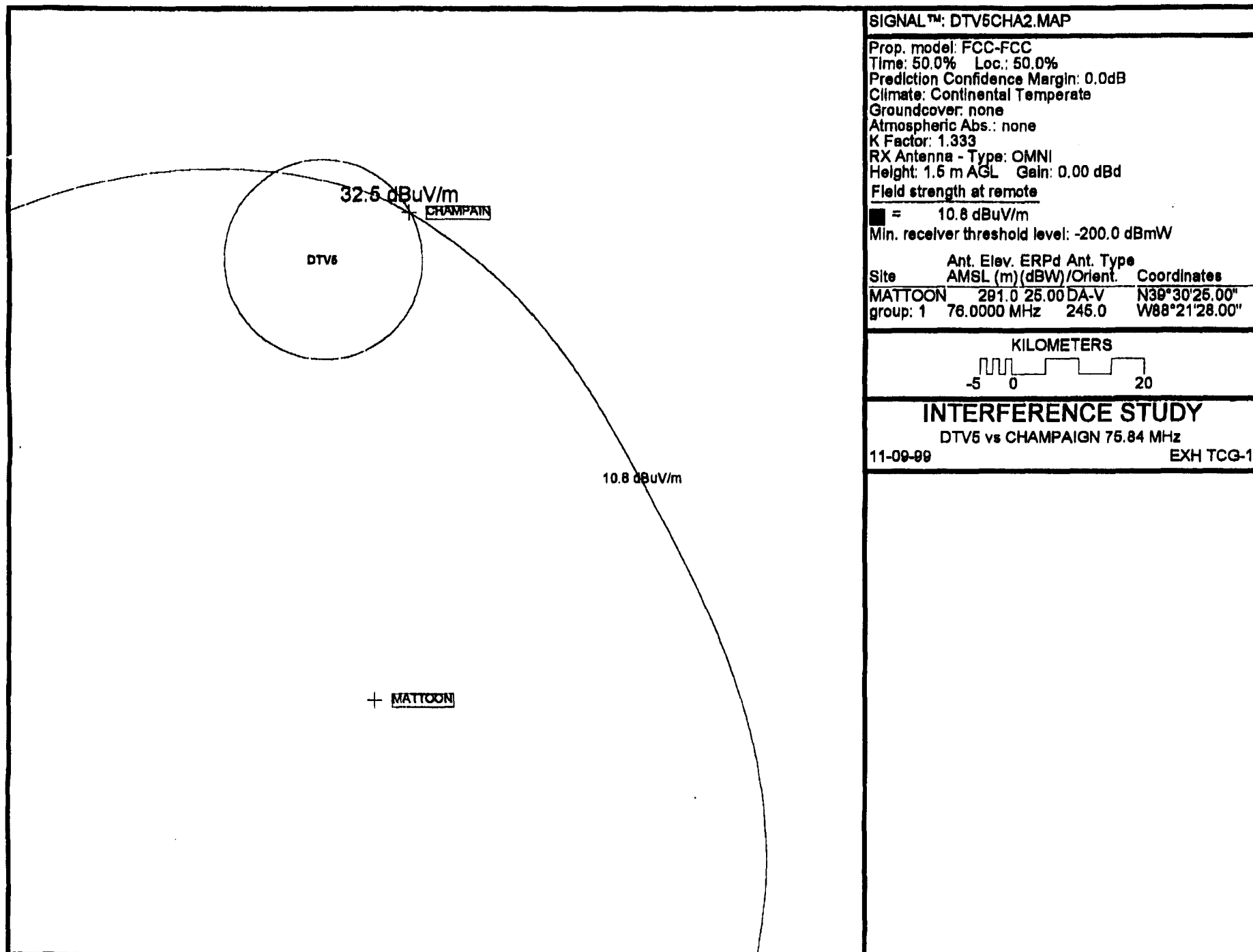


Exhibit TCG-2
DTV 5 Contour Calculation

DISTANCES TO CONTOURS (Kilometers):

Antenna COR elevation (AMSL): 501 mtrs **Average HAAT:** 284 mtrs

Frequency: 76.0000 MHz

Coordinates: N 40 6 23.00 W 88 26 59.00

F(50,10) Curves

AZ (deg)	HAAT (m)	ERPd (w)	CONTOUR LEVELS (dBu): 32.5
0.0	278	0.089	14.9
45.0	274	0.089	14.8
90.0	280	0.089	14.9
135.0	287	0.089	15.1
180.0	291	0.089	15.2
225.0	290	0.089	15.2
270.0	291	0.089	15.2
315.0	285	0.089	15.1

**Exhibit TCG-3
Mattoon Contour Calculation**

DISTANCES TO CONTOURS (Kilometers):

Antenna COR elevation (AMSL): 291 mtrs **Average HAAT:** 83 mtrs

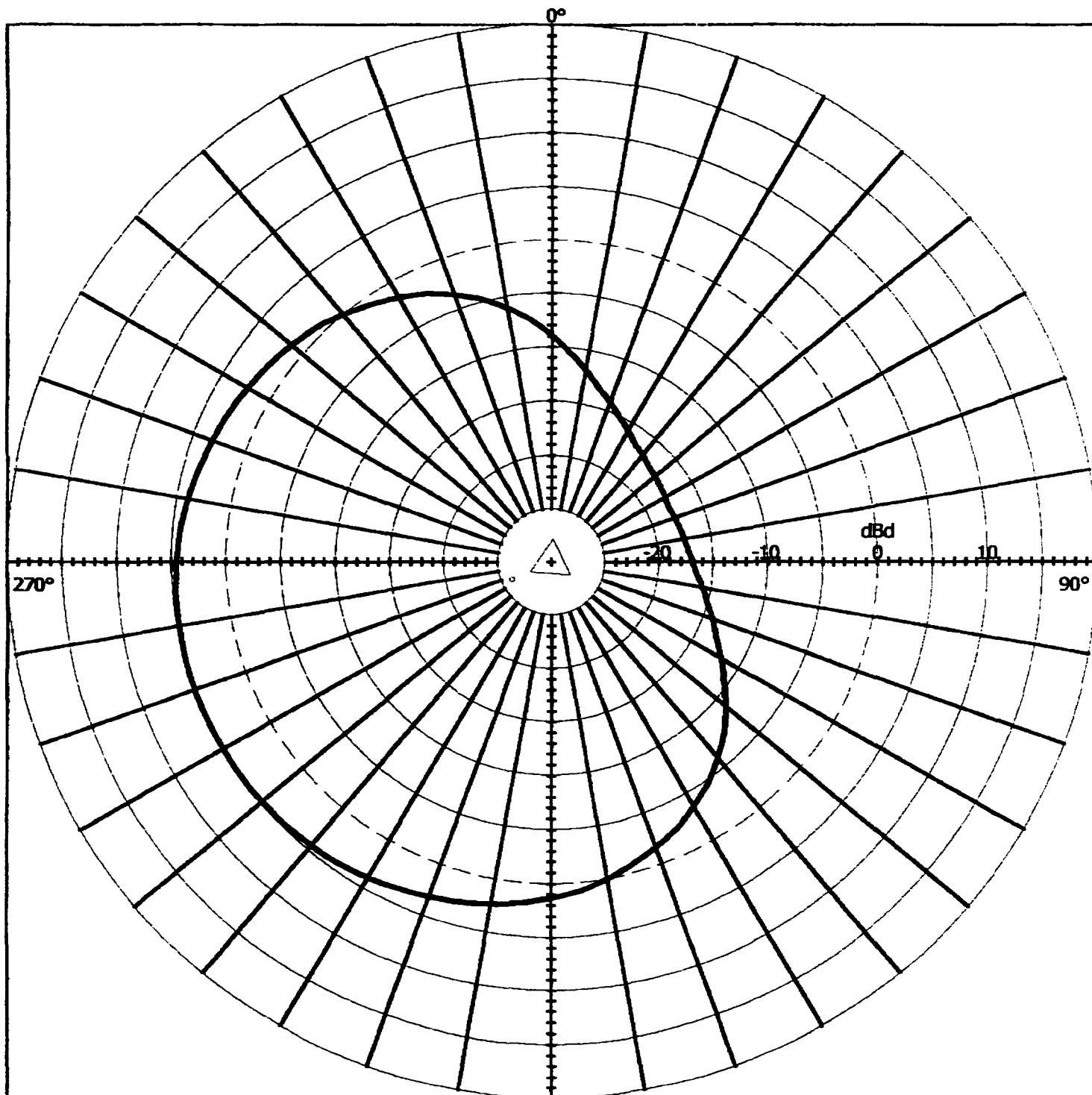
Frequency: 76.0000 MHz

Coordinates: N 39 30 25.00 W 88 21 28.00

F(50,50) Curves

AZ (deg)	HAAT (m)	ERPd (W)	CONTOUR LEVELS (dBu): 10.8
0.0	89	019.6	76.2
45.0	82	002.5	53.8
90.0	90	002.7	56.3
135.0	76	025.3	75.7
180.0	75	129.5	94.2
225.0	75	266.5	106.4
270.0	87	254.4	107.8
315.0	89	112.3	95.4

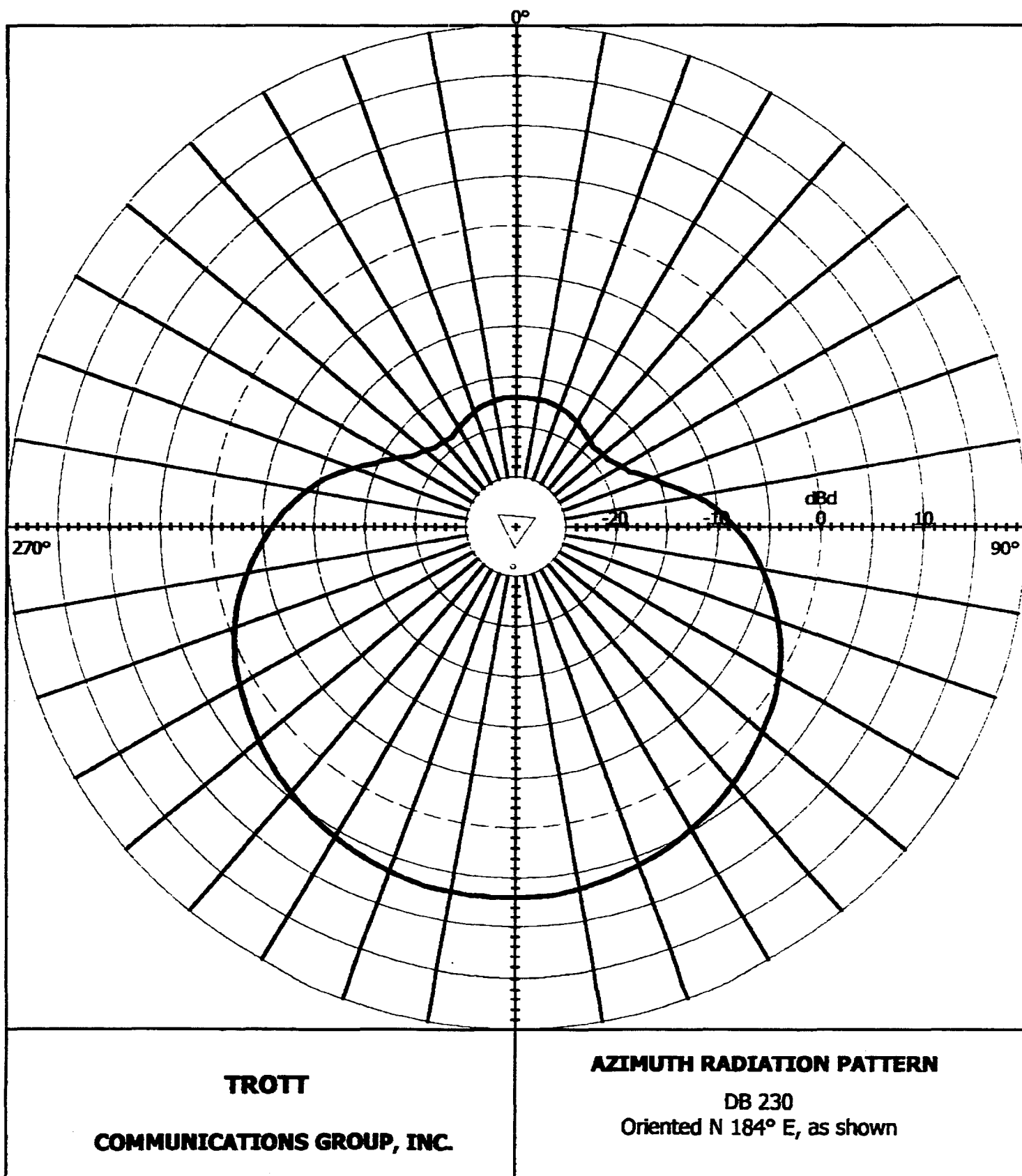
Exhibit TCG-4



TROTT
COMMUNICATIONS GROUP, INC.

AZIMUTH RADIATION PATTERN
DB 225
Oriented N 245° E, as shown

Exhibit TCG-5



DECLARATION

I, Raymond C. Trott, P.E., declare under penalty of perjury that:


I am Chairman of Trott Communications Group ("TCG"), Inc. formerly Raymond C. Trott Consulting Engineers, Inc., an independent engineering company founded in 1978 and located in Irving, Texas. I am a registered professional engineer in the State of Texas (Reg No. 23457E).

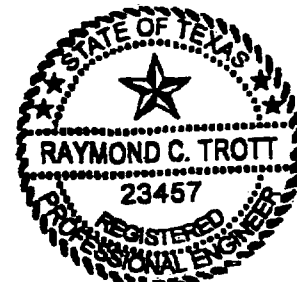
Over the past ten years, I have personally conducted many interference analyses at various communications sites throughout the country. These studies sometime involve broadcast radio and TV stations. In addition, I have prepared many contour exhibits in conjunction with applications to the FCC for SMR, 220 MHz and Part 22 & Part 90 paging stations. These contours have been related to short space interference studies and, because of the "freezes" in applications for major modifications, for exhibits showing containment of interference contours to establish that the applications are minor.

TCG was retained to determine by analysis whether a proposed DTV Channel 5 ("DTV5") allotment in Champaign, IL would create interference to an existing receiver on 75.84 MHz, also in Champaign, 9.1 miles from the proposed DTV5 station. The affected receiver is licensed under authorization KWH311 to Consolidated Communications Telecom Services, Inc. and is used to control several paging transmitters in the Champaign area and to deliver the paging information to each transmitter to be broadcast over a large area.

The attached study compares the signal levels from the DTV5 and the desired CCTS transmitter that will arrive at the affected receiver on 75.84 MHz. The results of the calculations show that the DTV5 station will deliver 40 times the power (+16 dB) at the affected receiver than the desired transmitter. Therefore, it is obvious that the DTV5 transmissions will interfere with the existing receiver on 75.84 MHz and corrupt the signals to the outlying paging transmitters leaving transmitted pages unreliable.

The above statements are true to the best of my knowledge and belief.

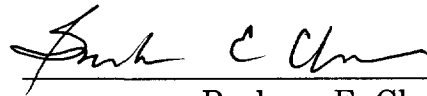

Raymond C. Trott, P.E.
November 4, 1999



CERTIFICATE OF SERVICE

I, Barbara E. Clocker, hereby certify that on this 9th day of November, 1999, a copy of the foregoing McLeodUSA Telecommunications Services, Inc. comments in response to Midwest Television's request to substitute Channel 5 for station WCIA(TV)'s assigned DTV Channel 48 in Champaign, Illinois, was sent by first class U.S. Mail to the following:

Jonathan D. Blake
Mary Newcomer Williams
Covington & Burling
1201 Pennsylvania Ave., N.W.
Post Office Box 7566
Washington, DC 20044-7566



Barbara E. Clocker

Dated: November 9, 1999